

complaining about discrimination.

30. Defendant engaged in these retaliatory practices with notice of such practices and with malice, intent and reckless indifference to Plaintiff's rights protected under federal law.

31. Plaintiff suffered and is suffering irreparable injury and monetary damages as a result of Defendants' acts and retaliatory practices, as well as mental distress and anguish and humiliation, and will continue to so suffer unless and until this Court grants relief

SIXTH CLAIM FOR RELIEF

32. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 11 of this Complaint with the same force and effect as if set forth herein.

33. Both Defendants have discriminated against Plaintiff in violation of the New York City Administrative Code Title 8 by retaliating against him for complaining about discrimination.

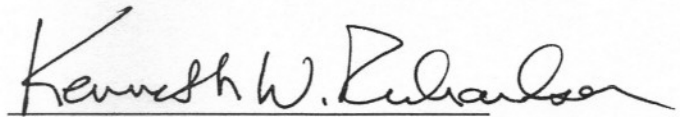
34. Defendants engaged in these retaliatory practices with notice of such practices and with malice, intent and reckless indifference to Plaintiff's rights protected under federal law.

35. Plaintiff suffered and is suffering irreparable injury and monetary damages as a result of Defendants' acts and retaliatory practices, as well as mental distress and anguish and humiliation, and will continue to so suffer unless and until this Court grants relief

DEMAND FOR A TRIAL BY JURY

Plaintiff demands a trial by jury.

Dated: New York, New York
August 8, 2007

A handwritten signature in black ink, reading "Kenneth W. Richardson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth W. Richardson, Esq.(8701)
Attorney for Plaintiff
305 Broadway, Suite 1100
New York, New York 10007
(212) 962-4277

DISMISSAL AND NOTICE OF RIGHTS

To: **Mr. Antonio Penel**
284 East 31st St. Apt. 1A
Brooklyn, NY 11226

From: **Equal Employment Opportunity Commission**
New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004-2112



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

520 - 2007 - 00806

EEOC Representative

Kate Greenfield

Telephone No.

(212) 336 - 3762

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans with Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statute(s).



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this Notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Spencer H. Lewis, Jr., District Director

May 8, 2007

(Date Mailed)

Enclosure(s)

cc: **Harvard Maintenance, Inc.**
570 Seventh Ave, 15th Floor
New York, NY 10018

Milman & Heidecker
Attorneys At Law
3000 Marcus Ave., Suite 3W3
Lake Success, NY 11042

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

ANTONIO PENEL,

Plaintiff,

-against-

HARVARD MAINTENANCE, INC.
Defendants.

-----X

COMPLAINT

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